

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	2:15-cr-027
	:	JUDGE FROST
v.	:	
	:	
JOANNA M. OCHIENG,	:	
	:	
Defendant.	:	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, the Superseding Indictment (Doc. 29) returned in this action contained forfeiture allegations (Forfeitures A and B) notifying Defendant Joanna M. Ochieng that the United States sought the forfeiture of specific property, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(a)(1) and (7), based on the conduct of Defendant Joanna M. Ochieng as more particularly described in the Superseding Indictment, in violation of 18 U.S.C. § 1035, 18 U.S.C. § 1347, 18 U.S.C. § 1349, 18 U.S.C. § 1957(a), and 26 U.S.C. § 7201, which property is fully described below ("subject property"); and

WHEREAS, on January 25, 2016, Defendant Joanna M. Ochieng entered a Plea of Guilty to Counts One, Three, and Twenty-Five of the Superseding Indictment<sup>1</sup>; and

WHEREAS, in the Plea Agreement (Doc. 34) filed on January 19, 2016, Defendant Joanna M. Ochieng agreed to forfeit all of her right, title, and interest she has in the property alleged in the forfeiture allegations of the Superseding Indictment, including all funds on deposit at Turks and Caicos Banking Company, Ltd., held in segregated Trust Account Number 535100 of McCollum and Newlands for Splenda Holdings, Ltd., for the benefit of Joanna Ochieng, and

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<sup>1</sup> Please see Paragraph Nine of Defendant Joanna M. Ochieng's Plea Agreement (Doc. 34) regarding the disposition of the remaining counts of the Superseding Indictment.

containing approximately \$1,000,000.00 which was seized and frozen in place by law enforcement on or about February 20, 2015. Defendant Joanna M. Ochieng agreed not to contest the judicial and/or administrative forfeiture of the subject property or any other assets seized during the execution of the search warrant described above. Defendant Joanna M. Ochieng also agreed to assist the United States to resolve in its favor any third-party claims to the subject property. Finally, Defendant Joanna M. Ochieng waived any failure by the Court to fully comply with the requirements in Fed. R. Crim. P. 32.2(b)(4).

WHEREAS, by virtue of said Superseding Indictment, Guilty Plea, and Plea Agreement the Court has determined that the requisite nexus exists between the subject property and Counts Three and Twenty-Five of the Superseding Indictment, that the subject property is forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(a)(1) and (7), and that the United States is now entitled to possession of the subject property.

Accordingly, it is hereby **ORDERED, ADJUDGED AND DECREED:**

1. That Defendant Joanna M. Ochieng shall forfeit to the United States the subject property that is:

- (a) **All funds on deposit at Turks and Caicos Banking Company, Ltd., held in the segregated Trust Account Number 535100 of McCollum and Newlands for Splenda Holdings Ltd., for the benefit of Joanna Ochieng, totaling approximately \$1,000,000.00; and**
- (b) **Any property, real or personal, constituting, or derived from the gross proceeds traceable to the offenses set forth in Counts Three through Twenty-Four of the Superseding Indictment, including but not limited to a sum of money equal to \$436,305.69 in United States currency in the form of a forfeiture money judgment.**

**Substitute Assets**

**If, as a result of any act or omission of Defendant Joanna M. Ochieng, the forfeitable property so described, or any portion thereof:**

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty.

**It is the intent of the United States, pursuant to 21 U.S.C. §853(p) as incorporated by 18 U.S.C. §982(b), to seek forfeiture of any property of Defendant Joanna M. Ochieng up to the value of the \$436,305.69 forfeiture money judgment.**

2. That the designated agent with the Internal Revenue Service shall immediately seize any property as it is identified and hold same in his secure custody and control.

3. That the United States is authorized to conduct any discovery proper in identifying, locating or disposing of the subject property in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. That the United States shall publish, as property of the defendant is identified, in accordance with the provisions of 21 U.S.C. § 853(n), notice of this Order, or any subsequent amended order, and notice of its intent to dispose of the subject property in such manner as the Attorney General may direct.

5. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding in accordance with Fed. R. Crim. P. 32.2(b)(6).

6. That pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to Defendant Joanna M. Ochieng at the time of sentencing and shall be

made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

7. That following the Court's disposition of all petitions filed pursuant to 21 U.S.C. § 853(n), or, if no such petitions are filed, following the expiration of the period for the filing of such petitions, the United States shall have clear title to the subject property.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

ORDERED this 29th day of January, 2016.

/s/ GREGORY L. FROST  
HONORABLE GREGORY L. FROST  
UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted,

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